

Abstract

International law of succession focusing on European regulation

The aim of my thesis is the international Law of Succession with emphasis on the European Regulation No. 650/2012 of the European Parliament and of the Council of 4 July 2012 on jurisdiction, applicable law, recognition and enforcement of decisions and acceptance and enforcement of authentic instruments in matters of succession and on the creation of a European Certificate on Succession.

The regulation of succession will apply to succession proceedings with an international element concerning those who died after 17 August 2015. The purpose of the regulation is to simplify and expedite such proceedings within the European Union. In principle, the ruling on the entire estate of the testator should be decided in the course of a single succession proceeding in order to avoid conflicts in court judgments that could occur if the procedure was split into different countries.

Furthermore, the diploma thesis deals with the concept of border determinant in international law, where habitual residence becomes increasingly important, while other borderline determinants such as domicile or nationality already lose their importance.

I also explain the term ‘estate planning’ in my paper, i.e. the arrangement of inheritance conditions of the future testator. The estate planning may seem like a complicated task for the future testator, but it may help to resolve the above-mentioned life situation more easily.

The work also mentions the adjustment of a new institute, namely the European Certificate of Succession, which proves the heir’s entitlement for inheritance in another Member State.

The diploma thesis also describes changes in the Czech legislation caused by the adoption of the regulation of succession, as its influence needed to be reflected in several statutory regulations.